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5 Attorney for Defendant  
6 LUKE BRUGNARA

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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11  
12 UNITED STATES OF AMERICA,  
13 Plaintiff,

Nos. CR 14-00306 WHA

MOTION TO CONTINUE TRIAL

14 v.

15 LUKE BRUGNARA,

Date: September 30, 2014

Time: 9:00 a.m.

16 Defendant \_\_\_\_\_/

Dept: WHA

17  
18 TO THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF  
19 CALIFORNIA:

20 PLEASE TAKE NOTICE that on September 30, 2014, at 9:00 a.m., or as soon thereafter  
21 as the matter may be heard, defendant Luke Brugnara, by and through counsel, will and hereby  
22 move the court for an order continuing the trial, currently set to commence jury selection on  
23 October 22, 2014. This motion is made on the ground that counsel will be unavailable for trial as  
24 currently scheduled as he will be in trial in state court. This motion is based on the attached  
25 declaration of counsel, the files and records in this case, and on such evidence and argument as  
26 may be presented at the hearing on the motion.  
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**DECLARATION OF COUNSEL IN SUPPORT OF MOTION**

I, Erik Babcock, declare as follows:

1. I was appointed to represent Mr. Brugnara pursuant to the Criminal Justice Act;
2. As I have previously informed the court and counsel, I commenced a trial in state court on September 15, 2014 in People v. Hazle, No.H55302. Mr. Hazle is charged with several serious and violent felonies and is potentially facing several consecutive life sentences if convicted. We have finished motions in limine and are scheduled to begin jury selection on October 6, 2014. A panel of 90 jurors is scheduled to come in that day so that we can start jury selection. The trial is estimated to be finished sometime the second week of November, 2014;
3. I have tried to get Mr. Brugnara's case ready for trial as scheduled, but I am now unable to devote enough time to this case to get it ready for trial in the short term because of my state court obligations. Various motions in limine and other pretrial documents are due to this court next week, but at this point I am not and cannot be ready to file them as scheduled.
4. I therefore request that trial and pretrial filing dates be continued to a date and time convenient to the court, counsel and parties.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29<sup>th</sup> day of September, 2014 at Oakland, California.

/S/Erik Babcock  
ERIK BABCOCK

Attorney for Defendant  
LUKE BRUGNARA